

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DIVISION OF TEXAS  
SAN ANTONIO DIVISION**

<b>IN RE:</b>	<b>§</b>	<b>Chapter 13 Proceedings</b>
<b>LANDY, CHARLIE V.</b>	<b>§</b>	
<b>LANDY, PATRICIA A.</b>	<b>§</b>	<b>Case No. 03-54498-C</b>
	<b>§</b>	
<b>Debtor(s)</b>	<b>§</b>	

**MOTION TO PERMANENTLY MODIFY CHAPTER PLAN, CURE PAYMENT  
ARREARAGE AND AWARD SECOND REQUEST FOR ADDITIONAL ATTORNEY'S  
FEES**

**NOTICE OF OPPORTUNITY FOR HEARING**

**AN ORDER WILL BE ENTERED GRANTING THE RELIEF REQUESTED  
HEREIN WITHOUT FURTHER HEARING UNLESS A WRITTEN OBJECTION AND  
REQUEST FOR HEARING IS FILED WITH THE CLERK WITHIN TWENTY DAYS  
AFTER THE DATE OF ISSUANCE OF THIS NOTICE. ANY SUCH OBJECTION  
MUST ALSO BE SERVED UPON THE MOVING PARTY AND UPON ALL OTHER  
PERSONS INDICATED ON THE CERTIFICATE OF SERVICE ATTACHED TO THIS  
PLEADINGS.**

TO THE HONORABLE JUDGE OF SAID COURT:

Comes now Debtor (so denominated whether individuals or joint) and files this Debtor's Motion to Permanently Modify Chapter 13 Plan, Cure Payment Arrearage and Award Second Request for Additional Attorney's fees. As grounds for this request, Debtor would show as follows:

**I.**

**GROUND'S FOR MODIFICATION**

Debtor would show that Debtor's plan payment will decrease to \$411.00 per month from \$828.00 per month due to the automatic stay lifting on the homestead. Attached are debtor's original schedules "I" and "J" and Debtor's amended schedules "I" and "J".

## **II.**

### **CURE OF ARREARAGE**

Debtor will resume making regular payments to the Chapter 13 Trustee in December 2006 and would request that the plan payment arrearage that exists as of November 2006 (if any) be cured by adding the arrearage to the end of Debtor's Chapter 13 Plan and extending the Plan as required. The plan was originally scheduled to run sixty-two months (may include prior modifications and/or moratoriums). Twenty-five months remain. This modification will not extend the plan beyond sixty-two months. Debtors seem to be current with the payments to the Trustee at this time.

## **III.**

### **PLAN MODIFICATION REQUESTED**

Debtor would request that Debtor's Plan payment will decrease to \$411.00 per month beginning December 2006 and that priority and secured creditors be paid or dealt with as follows: Countrywide Home Loans to be paid a total of \$0.00 plus 0% interest at \$0.00 per month (Automatic Stay Lifted); US Dept. Of HUD to be paid a total of \$0.00 plus 0% interest at \$0.00 per month; Allied Interstate to be paid a total of \$3,222.13 plus 10% interest at \$175.00 per month and National Furniture to be paid a total of \$917.33 plus 12% interest at \$65.00 per month.

## **IV.**

### **EFFECT OF MODIFICATION**

All priority and secured creditors will be paid in full with a dividend of approximately two percent to unsecured creditors, which is more than unsecured creditors would receive if this case were converted to Chapter 7. It appears that there is either no non-exempt property or that the dividend to unsecured creditors exceeds the value of any non-exempt property.

## **V.**

### **REQUEST FOR ADDITIONAL ATTORNEY'S FEES**

Debtor would request that for the time and effort expended in the preparation and presentation of this Motion, the Law Office of Charles J. Bondurant be awarded additional

attorney's fees in the amount of \$500.00 to be paid as an administrative priority claim as agreed under the Plan. Supplemental Attorney's Fees Awarded post confirmation on this case are \$500.00 (Fee Application Motion to Lift 6/04).

## PRAYER

**WHEREFORE, PREMISES CONSIDERED**, Debtor prays that the Court approve this Motion to Permanently Modify Chapter 13 Plan and Award Second Request for Additional Attorney's Fees.

DATED: 11/6/06

Respectfully submitted,

**LAW OFFICE OF CHARLES J. BONDURANT**

11825 IH 10 W. Suite 202  
San Antonio, Texas 78230  
Telephone (210) 690-2700  
Telecopier: (210) 691-2862

By: /s/  
CHARLES J. BONDURANT

**ATTORNEY FOR DEBTOR(S)**

## CERTIFICATE OF SERVICE

On 11/8/06 a copy of the above and foregoing document was mailed to all parties listed on the attached mailing matrix and also to:

Marion A. Olson, Jr.  
Chapter 13 Trustee  
1020 NE Loop 410, Suite 800  
San Antonio, Texas 78209

Mr. & Mrs. Charlie V. Landy  
5911 Autumn Lake  
San Antonio, Texas 78222

/s/  
CHARLES J. BONDURANT

Alliance One  
PO Box 3101  
Southeastern, PA 19398-3101

Allied Interstate  
50-62N 19th Avenue, Suite 102  
Phoenix, AZ 85015

American Medical Response  
Lardlan Medical Tansportation  
PO Box 847343  
Dallas, TX 75284

Arrow Financial Services, LLC  
5996 West Touhy Avenue  
Niles, IL 60714-4610

Arrow Financial Services, LLC  
PO Box 469005  
Chicago, IL 60646-9005

Baptist Health System  
PO Box 840333  
Dallas, TX 75284-8333

Capital One  
PO Box 34631  
Seattle, WA 98124-1631

Charlie V. Landy  
5911 Autumn Lake  
San Antonio, TX 78222

Chrysler Financial  
PO Box 5055  
Southfield, MI 48086

Conn Credit Company  
PO Box 2358  
Beaumont, TX 77704

Countrywide Home Loans  
7105 Corporate Drive  
MS: PTX-B-65  
Plano, TX 75024-3632

DEPT. OF HOUSING AND URBAN DEV  
ALLIED INTERSTATE  
PO BOX 530284  
ATLANTA, GA. 30353-0284

Financial Recovery Services, Inc.  
PO Box 385908  
Minneapolis, MN 55438-5908

First Revenue Assurance  
PO Box 34393  
Seattle, WA 98124-1393

FMA Alliance, Ltd.  
1811 North Freeway #900  
Houston, TX 77060

Frost National Bank  
Penn Credit Co.  
PO Box 988  
Harrisburg, PA 17108-0988

Hospatists of San Antonio  
7300 San Pedro #405  
San Antonio, TX 78216

Household Bank  
Bankcard Services  
PO Box 60102  
City of Industry, CA 91716-0102

Internal Revenue Service  
Attn: Special Procedures  
300 E. 8th Street, STOP 5026AUS  
Austin, TX 78701

IPC of Texas  
PO Box 92729  
Los Angeles, CA 90009-2729

ITT Financial  
Asset Acceptance Corp.  
PO Box 2036  
Warren, MI 48090-2036

JC Penney's  
PO Box 960001  
Orlando, FL 32896-0001

Kevin Epstein  
Chapter 11 Trustee  
Office of the U.S. Trustee  
P.O. Box 1539  
San Antonio, Texas 78295-1539

MARION A OLSON  
CHAPTER 13 TRUSTEE  
1020 NE LOOP 410 #800  
San Antonio, TX 78209

Meadowlawn Memorial Park  
PO Box 200606  
San Antonio, TX 78220-0606

National Furniture  
2545 SW Military Drive  
San Antonio, TX 78224

NCO Financial Systems, Inc.  
PO Box 41417  
Dept. 99  
Philadelphia, PA 19101

NCO Financial Systems, Inc.  
PO Box 41457  
Philadelphia, PA 19101-1457

Northland Group, Inc.  
PO Box 390846  
Edina, MN 55439

Park Dansan  
113 W. 3rd Avenue  
PO Box 248  
Gastonia, NC 28053

Patricia A. Landy  
5911 Autumn Lake  
San Antonio, TX 78222

Penn Credit Corporation  
PO Box 988  
Harrisburg, TX 17108-0988

Protection One  
PO Box 79016  
Phoenix, AZ 85062-9016

Providian Visa Card  
PO Box 9539  
Manchester, NH 03108-9539

Sears  
86 Annex  
Atlanta, GA 30386-0001

Smith, Roucher & Associates, Inc.  
1456 Ellis Avenue  
Jackson, MS 39204-2204

Spiegel Charge  
FCNB Processing Center  
9310 SW Gemini Drive  
Beaverton, OR 97078-0001

Transworld Systems, Inc.  
5880 Commerce Boulevard  
Rohnert Park, CA 94928

US TRUSTEE  
PO BOX 1539  
SAN ANTONIO, TEXAS 78295-1539